

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD EDWARD KREBS,
Petitioner,

v.

MARIN FOX HIGHT,
Respondent.

CASE NO. 3:15-CV-05942-RBL-DWC

REPORT AND RECOMMENDATION

Noting Date: May 13, 2016

The District Court has referred this action filed under 28 U.S.C. § 2254 to United States Magistrate Judge David W. Christel. Plaintiff Richard Edward Krebs, proceeding *pro se* and *in forma pauperis*, filed a federal habeas Petition on December 28, 2015. *See* Dkt. 1; 1-1. As Petitioner has not kept the Court advised of his current address, the Court recommends dismissing this action without prejudice.

On February 18, 2016 and February 22, 2016, two documents were returned to the Court as undeliverable stating Petitioner was “gone.” *See* Dkt. 12, 13. On February 23, 2016, the Court granted Petitioner’s Motion to Amend prior to service of his Petition and, based on the returned mailings, advised Petitioner if he failed to notify the Court of his current address by April 18,

1 2016 the undersigned would recommend dismissal of this action pursuant to Local Rule
 2 41(b)(2).¹ *See* Dkt. 14.

3 Petitioner has not keep the Court advised as to his current mailing address. Further, two
 4 additional mailings sent to Petitioner from the Clerk's Office were returned on March 2, 2016
 5 and March 7, 2016. Dkt. 15, 16. Again, the returned mail indicated Petitioner was "gone" and the
 6 mail could not be delivered. Dkt. 15, 16. Accordingly, pursuant to Local Rule 41(b)(2), the Court
 7 recommends dismissal of this action without prejudice for failure to prosecute.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
 9 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
 10 6. Failure to file objections will result in a waiver of those objections for purposes of de novo
 11 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
 12 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on May
 13 13, 2016, as noted in the caption.

14 Dated this 25th day of April, 2016.

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16 David W. Christel
 17 United States Magistrate Judge

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 25 ¹ Under Western District of Washington Local Rule 41(b)(2), a party proceeding pro se shall keep the
 Court and opposing parties advised as to his or her current mailing address. If mail directed to a pro se plaintiff by
 the Clerk is returned by the Postal Service, and if such plaintiff fails to notify the Court and opposing parties within
 60 days thereafter of his or her current mailing address, the Court may dismiss the action without prejudice for
 failure to prosecute.